

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 14, 2005. Reconsideration and allowance of the application and pending claims 1-3, 5-11, 14-17, and 20-30 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 3, 8-11, 14, 16, 17, 20-24 and 27-30

Claims 1, 3, 8-11, 14, 16, 17, 20-24 and 27-30 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Brandenberg et al* ("*Brandenberg*," U.S. Pub. No. 2003/0063072) in view of *Fishman et al.* ("*Fishman*," U.S. Pub. No. 2002/0184321). Claim 23 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of *Brandenberg* and *Fishman* as applied to claims 20 and 22 above, and further in view of *Berenson et al.* ("*Berenson*," U.S. Pub. No. 2001/0049617). Claims 2, 5-7, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of *Brandenberg* and *Fishman* and further in view of *Williams* ("*Williams*," U.S. Pat. No. 5,761,525). Claim 15 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of *Brandenberg* and *Fishman* and in further view of *Osborn* ("*Osborn*," U.S. Pat. No. 6,760,728). Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would

lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. An electronic calendaring device comprising:
an interface configured to receive a calendar source list and a calendar database generated by a first party, the *calendar source list* comprising:
type, identification, and format source identifiers;
a native format; and
a delivery method, and
the calendar database comprising information reflecting the schedule of the first party, and wherein a source includes information compiled by an organization-of-interest to the first party;
a collection and distribution unit for accessing the source and retrieving calendar data in accordance with said calendar source list via said interface; and
logic configured to incorporate retrieved calendar data into the calendar database associated with the first party to generate an updated calendar database, and configured to *deliver the updated calendar database to the first party in accordance with information residing in the calendar source list.*

Applicants respectfully submit that the combination of *Brandenberg* and *Fishman* does not disclose, teach, or suggest at least the emphasized claim features. For instance, the Office Action states that *Brandenberg* discloses a calendar source list comprising “a format source identifier [HTML, paragraph 261],” “a native format [paragraph 557],” “a delivery method [broadcast or narrowcast, paragraph 264],” and “a collection and distribution unit [HTML/XML server 127, Fig. 1B, paragraph 261] for accessing the source and retrieving calendar data in accordance with said calendar source list via said interface.” The Office Action (on page 3) appears to equate the *calendar source list* with the tabular representation of digital content shown in Fig. 11. However, the *calendar source list* described in independent claim 1 comprises *type, identification, and format source identifiers; a native format; and a delivery method*. In contrast, the Office equates paragraphs [261, 557, and 264] unrelated to the tabular representation of digital content to *format source identifier, native format, and delivery method*, respectively. Since *Brandenberg* does not disclose at least these features as part of a calendar source list, and *Fisher* does not remedy this deficiency, Applicants respectfully submit that *Brandenberg* in view of *Fisher* fail to disclose, teach, or suggest at least these above emphasized features, and respectfully request that the rejection to independent claim 1 be withdrawn.

Additionally, since neither *Brandenberg* nor *Fisher* disclose the claimed features of the *calendar source list*, Applicants respectfully submit that the proposed combination of references does not disclose, teach, or suggest “a collection and distribution unit for accessing the source and retrieving calendar data *in accordance with said calendar source list via said interface*,” or “*logic configured to...deliver the updated calendar database to the first party in accordance with information residing in the calendar source list*,” as recited in independent claim 1, at least since

the tabular representation of digital content does not contain the above emphasized features of a *calendar source list*.

Because independent claim 1 is allowable over *Brandenberg* in view of *Fisher*, dependent claims 2-3, 5-11, 14-17 are allowable as a matter of law for at least the reason that the dependent claims 2-3, 5-11, 14-17 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 20

Claim 20 recites (with emphasis added):

20. A method for producing a personalized composite calendar from a first calendar and calendar information from at least one organization-of-interest to a party associated with the first calendar, comprising:

generating a calendar source list comprising:

type, identification, and format identifiers associated with a source made available by the at least one organization-of-interest to a party;

a native format of the first calendar; and

a delivery method;

receiving the first calendar from the party and the calendar information from the organization-of-interest;

integrating the first calendar and the calendar information in accordance with the calendar source list to generate an updated calendar; and

forwarding the updated calendar to the party in accordance with the delivery method.

Applicants respectfully submit that the combination of *Brandenberg* and *Fishman* does not disclose, teach, or suggest at least the emphasized claim features. For instance, the Office Action states that *Brandenberg* discloses a calendar source list comprising “a format source identifier [HTML, paragraph 261],” “a native format [paragraph 557],” “a delivery method [broadcast or narrowcast, paragraph 264],” and “a collection and distribution unit [HTML/XML server 127, Fig. 1B, paragraph 261] for accessing the source and retrieving calendar data in accordance with said calendar source list via said interface.” The Office Action (on page 3) appears to equate the

calendar source list with the tabular representation of digital content shown in Fig. 11. However, the *calendar source list* described in independent claim 20 comprises *type, identification, and format identifiers associated with a source made available by the at least one organization-of-interest to a party; a native format of the first calendar; and a delivery method*. In contrast, the Office equates paragraphs [261, 557, and 264] unrelated to the tabular representation of digital content *and format identifiers associated with a source made available by the at least one organization-of-interest to a party, native format of the first calendar, and delivery method*, respectively. Since *Brandenberg* does not disclose at least these features as part of a calendar source list, and *Fisher* does not remedy this deficiency, Applicants respectfully submit that *Brandenberg* in view of *Fisher* fail to disclose, teach, or suggest at least these above emphasized features, and respectfully request that the rejection to independent claim 20 be withdrawn.

Additionally, since neither *Brandenberg* nor *Fisher* disclose the claimed features of the *calendar source list*, Applicants respectfully submit that the proposed combination of references does not disclose, teach, or suggest “a collection and distribution unit for accessing the source and retrieving calendar data *in accordance with said calendar source list via said interface*,” or “*logic configured to...deliver the updated calendar database to the first party in accordance with information residing in the calendar source list*,” as recited in independent claim 20, at least since the tabular representation of digital content does not contain the above emphasized features of a calendar source list.

Because independent claim 20 is allowable over *Brandenberg* in view of *Fisher*, dependent claims 21-30 are allowable as a matter of law.

Claims 2, 5-7, 15, 23, 25, and 26

As discussed above, *Brandenberg* in view of *Fisher* fail to disclose, teach, or suggest at least the above emphasized claim features corresponding to independent claims 1 and 20. Because the additional references of *Berenson*, *Williams*, and *Osborn* fail to remedy these deficiencies, Applicants respectfully submit that dependent claims 2-3, 5-11, 14-17 and 21-30 are allowable as a matter of law for at least the reason that the dependent claims contain all elements of their respective base claim.

In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims is patentable over the combined art of record and that the rejection of these claims should be withdrawn.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Rodack', is written over a horizontal line.

David Rodack
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